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October 22, 2021

Via ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007-1312

Re: Alex Holmes, et. al. v. Chet Mining Co., LLC, et. al.
Civil Action No. 1:20-cv-04448-LJL

Dear Judge Liman:

I represent the plaintiffs in this action. I am writing about a discrepancy we have noticed in the docket which we hope to resolve in order to clarify the record as to the default judgment issued in favor of plaintiff Alex Holmes.

On November 25, 2020 the Court issued a Default Judgment in favor of plaintiff Holmes in the principal amount of \$497,092.71 plus prejudgment interest from July 17, 2019 at a rate of 9% per year (although the interest was not calculated at that time). (ECF Doc. #44.)

On February 16, 2021, the Court *sua sponte* issued an “Amended Default Judgment” for the same principal amount of \$497,092.71, plus itemized prejudgment interest in the amount of \$60,917.69, for a total judgment of \$558,010.40. (ECF Doc. #55.)

We note, however, that the docket has another “Amended Default Judgment” for Holmes, also dated February 16, 2021 (ECF Doc. #56) which awards Holmes the “liquidated principal amount of \$497,092.71 plus prejudgment interest from July 17, 2019 through November 25, 2020 at a rate of 9% per annum in the amount of \$56,230.80, for a total judgment of \$421,690.95.”

We believe that this third judgment (#56) is a clerical error of some kind for two reasons. First, \$497,092.71 and \$56,230.80 do not add up to \$421,690.95. Second, the interest calculation appears to be incorrect. At 9% *per annum*, we calculate the interest, awarded for 497 days, to be \$60,917.29,¹ which is much closer to the Court’s calculation in the prior judgment at ECF Doc. #55 (only forty cents different). Therefore, upon information and belief, the second “Amended

¹ The per diem interest on the \$497,092.71 is \$122.57 (\$497,092.71 x 9% = \$44,738.34 annual interest ÷ 365 days = \$122.57 daily interest). Inasmuch as the Court awarded prejudgment interest from July 17, 2019 through November 25, 2020—as span of 497 days—the interest comes to \$60,917.29 (\$122.57 x 497 days = \$60,917.29).

Benjamin F. Neidl, Esq.

Judgment” for Holmes at **ECF Doc. #56** is a clerical error and should probably be deleted from the docket. (Which would leave ECF Doc. #55 the last judgment of record for Holmes.) I thank the Court for its assistance in this matter.

Sincerely,

E. STEWART JONES HACKER MURPHY, LLP

A handwritten signature in black ink, appearing to read "Benjamin F. Neidl", with a long horizontal flourish extending to the right.

Benjamin F. Neidl, Esq.

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